

REMARKS

With this amendment, the pending claims are claims 31-40, 42-53, and 57-60. The Examiner previously withdrew claims 36-57, 59, and 60 from consideration. In the Office Action of June 17, 2003, the Examiner withdrew the indicated allowability of claims 31-35 and 58 in view of a new rejection under 35 U.S.C. § 112. In particular, the Examiner rejected claims 31-35 and 58 under § 112, asserting that the specification "while being enabling for the tread underlayer having the specified variation in hardness by making the underlayer from an elastomer compound comprising reinforcing fibers and hardening resin, does not reasonably provide enablement for the tread underlayer having the specified variation in hardness by any other means." (*Office Action*, p. 3.)

Elected Claims 31-35 and 58

As shown above, Applicants have amended claim 31 to recite, *inter alia*, that "the underlayer is made from an elastomer compound comprising reinforcing fibers and hardening resins." Similarly, Applicants have amended claim 58 to recite, *inter alia*, that "the underlayer comprises a thermostable compound comprising reinforcing fibers and hardening resins." No new matter has been added by these amendments. Support for these amendments may found in the specification at, for example, page 5, line 21 - page 8, line 10. Applicants submit that amended claims 31 and 58 overcome the Examiner's § 112 enablement rejections of claims 31-35 and 58.

Withdrawn Claims 36-57, 59, and 60

As shown above, Applicants have amended withdrawn claims 36-40, 42-53, 57, 59, and 60 to depend ultimately from either independent elected claim 31 or

independent elected claim 58. Applicants have also canceled certain of the withdrawn claims, namely, claims 41 and 54-56, to avoid redundancy in claim language.

Because claims 36-40, 42-53, 57, 59, and 60 each ultimately depend from allowable claim 31 or claim 58, these claims should also be in condition for allowance.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: October 29, 2003

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